

REMARKS

Claims 1-6, 24 and 25 are pending. In the Final Office Action mailed on September 23, 2005, the Examiner rejected claims 1-6, 24 and 25 under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2001/0054015 A1 to Boucousis ("Boucousis"). Applicants respectfully traverse the Examiner's rejection. Further examination and review in view of the remarks below are respectfully requested.

Some or all of the pending claims are directed to automatically presenting information on new items based upon predicted level of interest to a user. Items, such as, by way of example, products, services, various kinds of content such as reviews, interviews, and announcements, and combinations thereof, may be filtered by appropriate date ranges and/or by a user's computed or explicitly expressed interests. For example, in some cases, available items may be first filtered based upon their effective date, thereby identifying the items that are new. These filtered items may be then further filtered based upon information relating to the user, and the resulting items presented to the user.

All of the pending claims stand rejected over Boucousis. Boucousis merely describes a method for allowing vendors to determine the identities of seekers who have been perusing the vendors' item listings. (see Abstract). According to Boucousis, a web site accesses an electronically searchable database that includes an item catalogue that holds entries for a catalogue of items that may be offered by the vendors, and a listing catalogue that lists items that are presently available from the vendors. (paragraph [0038]). In Boucousis, a vendor may submit only items that appear in the item catalogue for listing in the listing catalogue. (paragraph [0039]). A seeker of information then makes use of the web site by connecting to the web site and submitting a search query for an item of interest to be searched for, where the item of interest must be an entry in the item catalogue. In response to the user submitting the search query, the web site initiates a search through the listing catalogue. (paragraphs [0042] and [0043]). Thus, according to Boucousis, the vendor submits items for inclusion in the listing catalogue, and the web site

initiates a search of the listing catalogue (i.e., the vendor-submitted items) in response to a user's search query.

All of the pending claims recite automatically defining a range of dates and automatically selecting products/content for display. In particular, claims 1-6 each recite "automatically defining a range of dates within which the availability dates of new products fall," and "from among the subsetted inventory, automatically selecting products for display based upon predicted level of interest to the user;" claim 24 recites "automatically defining a range of dates within which the availability dates of new products fall," and "from among the subsetted inventory, automatically selecting products for display based upon information relating to the user;" and claim 25 recites "automatically defining a range of dates within which the availability dates of new instances of content fall," and "from among the subsetted inventory, automatically selecting instances of content for display based upon information relating to the user." In rejecting the claims, the Examiner conceded that "Boucousis does not teach that the steps of defining and selecting are automatic," but, citing *In re Venner*, 120 USPQ 192, indicated that "it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to automate a manual process since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art."

Applicants respectfully disagree. The court in *In re Venner* held that broadly providing an automatic or mechanical means to replace a prior art manual activity which accomplished the same result is not sufficient to distinguish over that prior art. *In re Venner*, 262 F.2d 91, 95, 120 U.S.P.Q. 193, 194 (CCPA 1958). In *In re Venner*, the court further stated that:

With respect to the paramount contention of appellants that the timing device of their combination establishes patentability, we are of the opinion that that the prior art and the logical deductions of anyone skilled in the art would preclude the determination that the recitation of "time-controlled means set to the period between the completion of the pouring of the metal in the mould and solidification

of the metal of the piston therein" constitutes "invention." The need for withdrawal of the middle core section upon solidification is recognized by Flammang et al.; Waldie and Stern teach the advantages of timing devices used in conjunction with pressure valves to cause the withdrawal of various parts at predetermined times after pouring in the operation of molding devices. Therefore, it would have been obvious to any person skilled in the art to equip the mold structure of Flammang et al. with the timing devices of Waldie or Stern.

Id. at 94.

The facts associated with Applicants' pending claims are inconsistent with the facts of *In re Venner* in that Boucousis fails to teach the manual activities which accomplish the same result as recited in Applicants' claims. Regarding claims 1-6, Boucousis does not disclose, suggest or teach defining a range of dates within which the availability dates of new products fall, nor does Boucousis disclose, suggest or teach from among the subsetting inventory, selecting products for display based upon predicted level of interest to the user, either automatically or manually. Regarding claim 24, Boucousis does not disclose, suggest or teach defining a range of dates within which the availability dates of new products fall, nor does Boucousis disclose, suggest or teach from among the subsetting inventory, selecting products for display based upon information relating to the user, either automatically or manually. Regarding claim 25, Boucousis does not disclose, suggest or teach defining a range of dates within which the availability dates of new instances of content fall, nor does Boucousis disclose, suggest or teach from among the subsetting inventory, selecting instances of content for display based upon information relating to the user, either automatically or manually. For example, the range of dates may be defined as beginning a pre-determined amount of time before the current date, and ending a pre-defined period of time after the current date. (This finds support in the specification, for example, at page 7, line 26-page 8, line 5.) Therefore, automatically defining a range of dates and automatically selecting products/content for display based upon predicted level of interest to the user, or upon information relating to the user, involve significantly more than just broadly replacing a manual activity, such as a user querying the database on the basis of time-frame of availability, as suggested by the Examiner.

Applicants submit that claim 1, its dependent claims 2-6, and claims 24 and 25 are patentable over Boucousis.

Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-6, 24 and 25 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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Respectfully submitted,

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